

BESTPITCH
36352-060203



ROANOKE CITY COUNCIL
REGULAR SESSION

JUNE 2, 2003
9:00 A.M.

CITY COUNCIL CHAMBER

AGENDA

- 1. Call to Order--Roll Call.** (Council Members Dowe, Wyatt and Vice-Mayor Harris were absent.)

A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

File #110-132

Approved (4-0)

A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

File #80-132

Approved (4-0)

AT 9:05 A.M., THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN ROOM 159.



COUNCIL WORK SESSION

JUNE 2, 2003

9:00 A.M.

ROOM 159

AGENDA

(Vice-Mayor Harris was absent.)

2. Items listed on the 2:00 p.m. Council docket requiring discussion/clarification; and additions/deletions to the 2:00 p.m. docket. (25 minutes)
3. Topics for discussion by the Mayor and Members of Council. (15 minutes)
4. Briefings by City Staff:
 - Fair Housing Ordinance - (15 minutes)
 - Zoning Update - (20 minutes)
 - City Market Handbook and Ordinance - (15 minutes)
 - Refinancing Section 108 Loan - (5 minutes)

THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M. IN THE COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JUNE 2, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call. (Vice-Mayor Harris was absent.)

The Invocation was delivered by Father Dean Nastos, Pastor, Holy Trinity Greek Orthodox Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, June 5, 2003, at 7:00 p.m., and Saturday, June 7, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Request of the Southeast Rural Community Assistance Project, Inc., to present an award to the City of Roanoke for providing safe drinking water to City residents. Mary Terry, Executive Director, Spokesperson.

File #80-468

The Mayor presented an Honorable Mention Award for Excellence in Architecture in design of the Railside Linear Park from the AIA Blue Ridge, American Institute of Architects, which he received on behalf of the City of Roanoke on May 22, 2003.

File #80-392

The Mayor advised that a Shining Star Award was presented to Ms. Sharon McGhee, 911 Dispatcher, on May 28, 2003, in recognition of her assistance to resuscitate a child in a potential drowning incident.

File #80

3. CONSENT AGENDA

(APPROVED 6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meetings of Council held on Monday, December 4, 2000; Monday, April 21, 2003; the Leadership Summit held on Friday, April 11, 2003; and the City Council Personnel Committee held on Monday, April 21, 2003.

RECOMMENDED ACTION: Dispense with the reading of the minutes, and approve as recorded.

- C-2 A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to proposed conveyance of property rights and encroachments into public right-of-way on Hamilton Terrace, S. E.

RECOMMENDED ACTION: Concur in the request.
File #2-28-166

- C-3 A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Lutheran Nursing Homes of Virginia, LLC, for tax exempt status of real property located at 3837 Brandon Avenue, S. W.

RECOMMENDED ACTION: Concur in the request.
File #79

- C-4 A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Virginia Lutheran Homes - Brandon Oaks, LLC, for tax exempt status of real property located at 3840 and 3930 Brandon Avenue, S. W.

RECOMMENDED ACTION: Concur in the request.
File #79

- C-5 A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the Presbyterian Community Center, Inc., and PCC Land Company, LLC, for tax exempt status of certain real property.

RECOMMENDED ACTION: Concur in the request.
File #79

- C-6 A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the Blue Ridge Small Business Development Center, Inc., d/b/a the New Century Venture Center for tax exempt status of real property located at 1354 Eighth Street, S. W.

RECOMMENDED ACTION: Concur in the request.
File #79

- C-7 Qualification of Beverly T. Fitzpatrick, Jr., as a Member of the Council of the City of Roanoke, Virginia, to fill the unexpired term of William H. Carder, resigned, ending June 30, 2004.

RECOMMENDED ACTION: Receive and file.
File #15-110-132

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from Council Member William D. Bestpitch recommending reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates.

The resolution was tabled to provide time for input by the President's Council (Council Member Bestpitch and Mayor Smith voted no).

File #110-488

- b. A joint communication from Council Members William D. Bestpitch and M. Rupert Cutler recommending that Council support rail alternatives to complement planned improvements to I-81.

Adopted Resolution No. 36352-060203. (6-0)

File #77-533

- c. A communication from the Honorable Arthur B. Crush, III, Clerk of Circuit Court, recommending acceptance of a Virginia Circuit Court Records Preservation Program grant from the Library of Virginia, in the amount of \$17,162.00; and a communication from the City Manager concurring in the recommendation.

Adopted Budget Ordinance No. 36353-060203 and Resolution No. 36354-060203. (6-0)
File #60-214-236

- d. A communication from the Honorable Arthur B. Crush, III, Clerk of Circuit Court, recommending acceptance of funds from the Compensation Board Technology Trust Fund; and a communication from the City Manager concurring in the recommendation.

Adopted Budget Ordinance No. 36355-060203 and Resolution No. 36356-060203. (6-0)
File #60-108-214

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1. Transfer of \$322,482.00 from the Roanoke Arts Commission Agency Funding Advisory Committee, in connection with 2003-04 agency funding requests and allocations.

Adopted Budget Ordinance No. 36357-060203. (6-0)
File #60-110-230

2. Acceptance of Land and Water Conservation funds for development of the Brown-Robertson Neighborhood Park, in the amount of \$81,000.00.

Adopted Budget Ordinance No. 36358-060203 and Resolution No. 36359-060203. (6-0)
File #60-67-468

3. Revision to the City Code in connection with regulation of the use and operation of security alarm systems operated by alarm companies.

Adopted Ordinance No. 36360-060203. (6-0)
File #5-24

4. Revision to the City Code in connection with false fire alarms.

Adopted Ordinance No. 36361-060203. (6-0)
File #24-70

5. Appropriation of additional monies for human services.

Adopted Budget Ordinance No. 36362-060203. (6-0)
File #60-72

6. Approval of the 2003-04 Fiscal Year Annual Operating Budget for the Hotel Roanoke Conference Center Commission.

Adopted Budget Ordinance No. 36363-060203 and Resolution No. 36364-060203. (6-0)
File #60-247

7. Appropriation of Regional Disability Services Board grant funding to continue staff support of the administration of the Fifth District Regional Disability Services Board.

Adopted Budget Ordinance No. 36365-060203 and Resolution No. 36366-060203. (6-0)
File #60-72-236

8. Execution of a lease agreement for 28,375 square feet of property, identified as Official Tax No. 3070320, in connection with the Stadium-Amphitheatre.

Adopted Ordinance No. 36367-060203. (5-1, Mayor Smith voted no.)

File #122-373

9. Approval of issuance of up to \$50 million in Industrial Development Authority refinancing bonds for Carilion Health Systems for various construction projects.

Adopted Resolution No. 36368-060203. (6-0)

File #53-207-221

b. **DIRECTOR OF FINANCE:**

1. Financial report for the month of April 2003.
Received and filed.
File #1-10
2. Authorization for refunding Series 1994 and 1999 General Obligation Bonds.

Adopted Resolution No. 36369-060203. (5-0, Council Member Dowe abstained from voting.)

File #53-247

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. Ordinance establishing compensation for the City Manager, City Attorney, Director of Finance, Municipal Auditor and City Clerk for the fiscal year beginning July 1, 2003.

**Adopted Ordinance No. 36370-060203. (6-0)
File #1-38-60-83-104-280**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Cutler referred to an article in the June 2, 2003 edition of *The Roanoke Times*, "Task Force aims to send cleaner water to Carvins Cove", which describes the partnership between the City of Roanoke and Director of Utilities, Mike McEvoy, and the Western Virginia Land Trust. He advised that the Western Virginia Land Trust works with land owners on Catawba Creek and Tinker Creek, where waters flow into the Carvins Cove Reservoir, to obtain conservation easements on the creeks, to move cattle out of the creeks and to protect the water supply from agricultural and suburban run-off through voluntary donation, or sale of conservation easements, or development rights along the watershed above Carvins Cove. He expressed appreciation to Mr. McEvoy and to the Executive Director of the Western Virginia Land Trust for this innovative way to protect water quality upstream.

File #2-28-68-417-468

Council Member Fitzpatrick called attention to a Police Officer who was directing traffic at the intersection of Tazewell Avenue and 13th Street, S. E., on Sunday, June 1, 2003, and asked that the officer be commended for the manner in which she directed traffic.

File #5-20-80

Council Member Fitzpatrick requested a report by the City Manager on the City's signage policy; i.e.: using utility poles for display of signage.

File #24-330

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Robert Gravely, 3360 Hershberger Road, N. W., referred to photographs of various sections of northwest Roanoke and expressed concern that the City of Roanoke is 40 years behind schedule in maintenance. He stated that the railroad must work with the people and for the people to make rail transportation affordable; affordable housing should be provided for Roanoke's citizens; the pay scale for City employees should be upgraded and not based on a percentage increase; more jobs should be created for Roanoke's residents with wages that make it affordable to live in Roanoke; business and entertainment ventures must be successful in order to attract more people to the area; more programs should be created for youth leading to gainful employment in the Roanoke Valley; and laws should be enforced that work with the people and for the people.

File #60-66-184-304-317-450-533

12. CITY MANAGER COMMENTS: NONE.

At 3:30 p.m., the meeting was declared in recess for two Closed Sessions.

CERTIFICATION OF CLOSED SESSION. (6-0)

Ms. Louise F. Kegley was appointed as member of the Mill Mountain Advisory Committee, for a one year term commencing July 1, 2003 and ending June 30, 2004.

File #67-110

Vickie L. Price was appointed as the City Manager's designee to the Fifth District Employment and Training Consortium.

File #110-246